

REQUIRES MONITORING
OR STAFF ACTION _____

COMMISSION DIRECTIVE

ADMINISTRATIVE DEPT. _____

DATE June 2, 2004

TRANSPORTATION DEPT. _____

DOCKET NO. 2003-342-C

UTILITIES DEPT. XXX

ORDER NO. _____

SUBJECT:

DOCKET NO. 2003-342-C – Phillip A. Bragg d/b/a ALCO Bonding, Complainant, vs. Talton Communications of Carolina, Inc. and Evercom Systems, Inc., Respondent. Hearing held: March 25, 2004. This matter is ready for final disposition.

COMMISSION ACTION:

Dismissed the Petition of Phillip Bragg for a Declaratory Order of this Commission, or in the Alternative for Appropriate Damages. Found that the Respondents Talton and Evercom complied with their approved tariff and the statutes, rules, and regulations administered by this Commission.

More specifically, found that:

1. Evercom is NOT a telegraph company and therefore not subject to the provisions of South Carolina Code Annotated Sections 58-9-1810 and 58-9-1860.
2. For the period April through September 1997 the Evercom tariff on file with, and approved by, this Commission was the applicable tariff and contained “the descriptions, regulations, and rates applicable to the furnishing of service for inmate telephone service.”
3. Under this tariff, Evercom reserved “the right to discontinue furnishing service” under certain circumstances and conditions and properly exercised that right in a manner consistent with the terms of the tariff in this case.
4. Evercom did not violate the requirements of South Carolina Code Annotated Section 58-9-2150 and therefore is not subject to the imposition of any penalties by this Commission under that Section.
5. Under the provisions of Section 2.3.1 of the Evercom tariff, Mr. Bragg’s damages are limited to an amount equivalent to the proportionate charges assessed to Mr. Bragg by Evercom during the period of any mistake, error, omission, interruption, delay, or defect in transmission.

APPROVED _____

MOSELEY Yes

WRIGHT Yes

REGULAR SESSION X

SPECIAL SESSION

TIME OF SESSION 10:30AM

CANCELED

SET FOR HEARING

ADVISED

CARRIED OVER

RECORDED BY P. D. Riley